

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.15653 of 2017
Date of Decision: 21.08.2017**

M/s Bee Ess Cee Service Station

....Petitioner

Vs.

Indian Oil Corporation Limited and another

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.I.K. Mehta, Sr. Advocate, with
Mr.R.K. Dogra, Advocate,
for the petitioner.

Mr.Ashish Kapoor, Advocate,
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for seeking a writ in the nature of certiorari for quashing the letter dated 17.1.2017, issued by respondent No.2 and for a writ in the nature of mandamus seeking direction to restore the supply of all oil products to the petitioner.

The petitioner is running a petrol pump in the name and style of M/s Bee Ess Cee Service Station [hereinafter referred to as a 'petrol pump']. It is a proprietorship firm of one Mohan Singh. The present petition has been filed by the petrol pump through one Amrinder Singh s/o Jagjit Singh, who is presently confined in Central Jail, Kapurthala in a case registered vide FIR No.22 dated 23.2.2017 under Sections 302, 452, 120, 34 of the IPC and 25/27/54/59 of the Arms Act in a triple murder

case. The petitioner is aggrieved against the decision of the respondent-oil company dated 17.1.2017 by which they have stopped the supply of petroleum products to the petitioner on the ground that *“since you have to uploaded the Dealer Annual Return on the Corporations website till cutoff date i.e. 09.01.2017, we are constrained to stop supplies of all products to your dealership with immediate effect”*.

Learned counsel for the petitioner has submitted that no opportunity of hearing was given to it before passing the impugned order. It is further submitted that the General Power of Attorney [for short ‘the GPA’] was executed for a consideration. In this regard, he has relied upon two orders passed by this Court in *CWP No.2505 of 2017* titled as *“M/s Sulej Filling Station Vs. Indian Oil Corporation Limited and another”* decided on 9.2.2017 and *CWP No.7912 of 2017* titled as *“M/s Phillaur Filling Station Vs. Indian Oil Corporation Limited decided on 2.6.2017*.

After notice, the respondents have filed their reply in which preliminary objections have been raised about the maintainability of the writ petition at the instance of Amrinder Singh. It is alleged that Mohan Singh, the proprietor of the petrol pump, has expired. This has been stated so on the basis of the report of the Postal Department on a letter sent to Mohan Singh, which was received back on 18.6.2015 with endorsement that Mohan Singh had expired. It is also stated that Amrinder Singh has preferred this petition as GPA of Mohan Singh, which was alleged to have been executed in his favour on 26.3.2010 and since Mohan Singh has already expired, therefore, the GPA in favour of Amrinder Singh has become nonest. It is also alleged by the respondent that even the wife of Amrinder Singh has expired, who was running the

petrol pump and wanted to be a partner in the firm, namely, M/s Bee Ess Cee Service Station, which was earlier a proprietorship firm. It is also submitted that Paramjit Kaur is stated to have been killed by none other than Amrinder Singh as the allegation goes.

The sum and substance of the argument of respondent is thus that the present petition is not maintainable as Amrinder Singh is nobody to file this petition after the death of Mohan Singh.

Learned counsel for the respondent, however, stated that this is not the reason for passing the impugned order dated 17.1.2017.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The first issue, in this case, raised by the respondent in the preliminary objection is about the maintainability of the writ petition. In case the writ petition is not found to be maintainable then the Court would not go into the merits of this case. The writ petition is admittedly filed by Amrinder Singh, who is now confined in Central Jail, Kapurthala on the allegations of committing three murders. Amarinder Singh has filed this petition only on the strength of the GPA dated 26.3.2010 purported to have been executed by Mohan Singh. The question is thus as to whether the GPA still survives if Mohan Singh is not alive?

In my considered opinion, the GPA executed by Mohan Singh in favour of Amrinder Singh become redundant as soon as he took his last breath and therefore, Amrinder Singh, who is not related to Mohan Singh, in any manner, is not expected to succeed to the property of Mohan Singh by way of natural succession, therefore, the present petition filed by him as the GPA of Mohan Singh is not maintainable. The argument of

learned counsel for the petitioner about the execution of GPA for a consideration is concerned is also baseless.

Hence with these observations, the present petition is hereby dismissed.

21.08.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*